

### REMARKS

In the above reference Office Action, the pending claims were rejected under 35 USC 103(a). Applicant respectfully traverses.

The office action maintains the rejection previously presented. As such, the rejection continues to be based on Leise, which *only* teaches and discloses embodiments that are two-piece ostomy bags. The Examiner relies upon a statement in the reference indicating that certain aspects of the reference could be relevant to a two-piece version; however, such a version is not actually described or presented.

This is problematic in that the Examiner is relying upon the specifically disclosed elements of a two piece configuration and *treating them as if they would be the same if Leise applied their teachings to a one-piece version*. This is simply incorrect and unsupportable. The elements of these two types of products are not the same and are not interchangeable, in relevant part. The Examiner is respectfully reminded that both the claims and the cited references must be read as a whole and in their entirety. Thus, while Leise does make the statement cited by the Examiner, the Examiner must rely upon what such an embodiment *would actually* entail (which is not shown); more specifically, what is shown and described may not simply be relabeled as a two-piece device for purposes of a rejection when the configuration of such a two-piece product is actually well understood to those of skill in the art and inconsistent with the Examiner's interpretation.

It is the Examiner's position that if Leise implemented a one-piece version then the illustrated faceplate (16) would simply be separated from the bag and selectively reattached with adhesive. This ignores the fact that if a one-piece version were utilized another separate element would have to be provided that acts as an interface between the bag and the faceplate (this is also referenced in Leise). Accordingly, the Examiner cannot interpret the reference to simultaneously have two very separate and mutually exclusive definitions. In the one-piece configuration, the faceplate 16 is adhered completely to the bag. In a two piece, the face plate would mechanically couple to an intermediate device or would be adhered to such an intermediate device; however, in the version the faceplate would not be "adhered to the rear wall of the bag."

In summary, Leise does suggest that a two-piece version of their device; however, if the Examiner is to rely upon that then it must be fully relied upon including the actual structure

necessitated by two-piece configuration which is well known. The Examiner may not simply pick and choose elements from two distinct embodiments that are *mutually exclusive*.

As previously articulated, a distinction between the present claims and the known configurations of ostomy bags is that the wafer will be fully adhered to the bag (one piece), but initially is only partially adhered to permit the user the view the wafer (partially) from the back for sizing without requiring any alignment for final securement.

The feature has been clarified in the presently amended claims which include a release sheet that covers the second area of adhesive (i.e., that which will be initially separable) without interfering with the fully bonded portion. In other words, a specifically sized release sheet is provided that only covers a portion of the adhesive and is in place after the remainder of the wafer is adhered.

Regardless of whether Leise is relied upon for a one or two piece, it fails to teach or suggest this concept. Further, the '647 reference fails to teach such a concept; accordingly the proposed combination necessarily fails to teach the present claims.

Applicants : Ciok  
Serial No. : 10/551,282  
Filed : 21 August 2006  
Page : 6 of 6

Attorney Docket No.: 2003004-US

## CONCLUSION

Applicant respectfully asserts that the pending claims are in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned. No additional fee are believed due at this time; however, the office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

\* \* \*

Respectfully submitted,  
Ciok

Date: 15 Feb 2010

/Daniel G. Chapik/  
Daniel G. Chapik, Reg. No. 43,424  
Director and Chief Patent Counsel  
Coloplast Corp., Coloplast A/S  
Customer No. 69289  
Telephone: (612) 344-2376